

SEC. 4600 - SCREENING REGULATIONS

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Sec. 4605 - Purpose

The purpose of this regulation is to provide protection against negative impacts of certain land uses upon other land uses or public rights-of-way through the installation and maintenance of visual or other sensory barriers and to improve the aesthetic appearance of land as viewed from a public right-of-way for those persons living, working or otherwise traveling in the city.

Sec. 4610 - Screening Required To Separate Certain Land Uses

- A. Should a single-family detached or duplex residential use be proposed adjacent to an existing residential or nonresidential land use, no additional screening by the existing residential or nonresidential land use shall be required.
- B. Should a use other than a single-family detached or duplex residential use be proposed adjacent to a single-family detached or duplex residential use, or a residential zoning district, a screening device shall be required to form a barrier between the uses.
- C. The minimum required screening shall be a privacy fence. Required screening by a nonresidential use adjacent to a residential use or residential zoning district shall be wood or masonry unless otherwise allowed herein. In all situations, the department of community development shall approve screening material, screening location and screening height by considering compatibility with adjacent land uses and existing screening devices.
- D. The department of community development may authorize the phasing of required screening where it is demonstrated that the proposal maintains the intent of this regulation.

4615 - Exceptions

The department of community development may grant an exception to the required screening by lessening or removing the screening requirement as required herein. One or more of the following conditions must be present or apply for consideration of an exception:

- A. Should a single-family detached or duplex residential use be proposed adjacent to an existing residential or nonresidential land use, no additional screening by the existing residential or nonresidential land use shall be required.
- B. There is an existing privacy fence on an adjacent property that is determined as sufficient to accomplish the intent of this ordinance and structurally adequate.
- C. When such uses are separated from a residential use, residential zoning district or more restrictive zoning district, as defined in section 3030, by a public right-of-way 70 feet wide or greater.
- D. Where conditions exist which include, but are not limited to such elements as a drainage facility, easement, river, creek or other body of water, a topographic variation, distance separation, or similar situation or elements which are determined as sufficient to accomplish the intent of this provision, and that no more than minimal effects in the aesthetics of the site will result, nor will the use pose a negative impact upon adjacent or neighboring land uses. Such conditions shall be shown on a site plan and evaluated for effectiveness in accomplishing the overall intent of this provision and approved by the department of community development.
- E. Receipt of written objection to the construction of a screening device from a majority of the affected property owners.

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- F. Upon determination by the department of community development that the screening device could be more objectionable than the proposed land use. Such evaluation will consider the proposed land use location and the relationship of the proposal with adjacent properties. The proposal shall be reflected in a site plan that also depicts building elevations, material type and other such information needed to make an informed decision.
- G. When such uses are part of a public park, or private uses that contain an area that is dedicated for use as a playground or park and is available to the public during nonbusiness hours.

4620 - Screening Location

In general, a screening device shall be provided and maintained at the property line unless an alternate location is approved where such alternate location will meet the intent of this provision. Such location requirement shall also be contingent upon other requirements of this ordinance, as may be amended.

No fence or wall may be placed within the front or exterior side setback area if abutting a public street unless it is determined that placing the fence or wall within these areas will maintain the intent of this provision, conform to adjacent fences or walls in height and location, and conform to other provisions of this ordinance.

4625 - Alternate Screening Methods

An alternate to a required screening fence shall be allowed where the overall effect and reason for requiring the screening fence is met, and the height of a required screening device is consistent with what is identified herein. Such alternates may include, but are not limited to the following conditions:

- A. Approved combinations of landscaped earthen berms and/or fences and/or walls.
- B. Construction material and methods which are industry standards or typically used as fencing or screening devices.

Alternative screening devices shall be approved by the department of community development.

4630 - Construction Standards For Screening Fences And Walls

A site plan showing fence or wall location and building material must be submitted for approval. The site plan will be reviewed having due regard for the aesthetic character of the fence or wall in relationship to surrounding property as viewed from a public right-of-way. Such review shall also consider public safety in construction elements as it relates to public and private streets and alleys, and as it relates to on-site and off-site traffic circulation and visibility.

Construction standards included in this section are intended for commercial application.

- A. *Minimum standards for screening fences or walls.*
 - 1. Fences should not be so close to the ground as to impede normal stormwater run-off.
 - 2. The side of the fence opposite the pole side shall face the public right-of-way or adjacent property.
 - 3. Coatings such as stains and paints should be consistent with adjacent fences or walls and/or general aesthetic character of the fence or wall with the neighborhood or as viewed from a public right-of-way.
 - 4. Pickets shall be of lumber designed and intended as fence material, and securely fastened.
 - 5. No barbed wire, broken glass or other products attached to a fence or wall designed or intended to injure shall be placed within six feet of grade.

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6. A fence or wall shall be of a height that will accomplish the intent for providing screening. The maximum required height shall be ten feet.
 7. Fences and walls in excess of six feet in height shall be required to demonstrate the required wind loading capacity as determined by the building official.
- B. *Chain-link fence.* A chain-link fence with or without slats or other inserts shall not be allowed as a screening device to accomplish the intent and purpose of this provision.
- C. *Traffic visibility.*
1. Fences or walls shall not hamper traffic visibility and shall conform to provisions contained in the Code of Ordinances as to sight distance.
 2. Where property lines intersect a public right-of-way, the height may be required to be reduced to a maximum height of three feet for that portion of the fence located within ten feet of the street right-of-way.
- D. *Signage:*
1. With the exception of a company sign subject to requirements of section 6700, fence installer's sign, or signs posted to inform the general public of security precautions which exist within the screened area, no fence or wall as described herein, or permitted or required by other article(s), shall be used for the placement of signs, handbills, posters or other advertisement or to hang, mount or otherwise display items, products or merchandise if such can be viewed from a public right-of-way or a residential use or vacant land zoned for residential use or viewed by a land use of a more restrictive zoning classification as defined in section 3030
 2. Installer or security signs, where used, may be placed at intervals not less than one hundred feet apart, and shall only be readable by those wishing to inquire as to the installer or to warn those seeking immediate access to the property, and shall not exceed one square foot in size.
 3. This provision shall not apply to signs denoting a subdivision such as subdivision name, nor shall it apply to directional signs or informational signs placed by a neighborhood, which may include such signs as neighborhood crime watch, safe place or other signs necessary to inform the general public of such public safety programs or activities within the neighborhood or subdivision.

4635 - Maintenance Requirement

- A. After complying with the requirements of this regulation, the owner and each successive owner of the property to which this regulation applies shall maintain the screening device(s) in good condition which includes such elements as a screening fence or wall, landscaped earthen berms, and landscaping used to accomplish the intent and purpose of this regulation, and shall otherwise maintain the property so as to comply with any other requirement of this regulation.
- B. Where any owner of property to which this regulation applies, fails to reasonably maintain the required screening devices as required by this subsection, the city may issue a written notice and order the owner to repair or replace any man-made screening fence required by this provision which is destroyed, removed, or becomes dilapidated or in disrepair, and require any dead or dying trees or landscape plant materials to be replaced; or require any other action otherwise necessary to abate or correct any condition to meet the requirements of this provision.
- C. If an existing screening device is not in conformance with the provisions herein, and is replaced due to damage, expansion or for other reason to the extent that 50 percent of the area or greater of the existing screen is to be or required to be replaced, the replaced screening device shall conform to provisions established herein as to height, location, construction standards and any other provisions as may be required and consistent with the provisions herein.

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4640 - Penalties For Violation

Any person, firm, association of persons, company or corporation or their agents, servants or employees who fail to provide the necessary screening as defined herein or fail to properly maintain the fence or wall as required herein shall upon conviction of such violations be punished by a fine not exceeding \$2,000.00. Each violation shall constitute a separate offense, and each day that the violation continues shall constitute a separate offense.

4650 - Lighting Requirement

All outdoor lighting must be directed away from residential areas.

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4670 - Additional Setback

Additional setback shall be provided by non-single family or non-duplex residential uses in the manner, prescribed in this section where any one of the following conditions occur:

- A. When these uses are located within a SF-1 or SF-2 zoning district and abut a single-family or duplex residential use, or abut an alley which is adjacent to a single-family or duplex use, no portion of the structure shall be closer to single-family or duplex property line than the height of that portion, except that the minimum setbacks stated in [subsection] C shall apply.
- B.
 - 1. When these uses are located outside of a SF-1 or SF-2 zoning district, but abut an SF-1 or SF-2 district boundary line, no portion of the structure shall be closer to a SF-1 or SF-2 boundary line than the height of that portion, except that the minimum setback stated in [subsection] C shall apply. However, when the zoning district boundary line abuts an alley or street right-of-way, the city aqueduct, or a body of water such as Sikes Lake or Wichita River, the additional setback shall be computed by including their width.
 - 2. When uses are located outside of a SF-1 or SF-2 zoning district, but abut a single-family or duplex use, no portion of the structure shall be closer to the nearest property line of the single-family or duplex use than the height of that portion, except that the minimum setback stated in [subsection] C shall apply. In these cases a lesser setback, that does not violate building code requirements or minimum setbacks as established in appendix A Comprehensive Subdivision Ordinance, may be granted by the planning and zoning commission through the conditional use process as outlined in section 7200
- C. Minimum setbacks:
 - 1. Multifamily-family dwelling units, townhouses, condominiums, mobile home parks and subdivisions, civic uses, and commercial uses shall be set back at least 30 feet.
 - 2. Light industrial uses shall set back at least 50 feet.
 - 3. Heavy industrial uses shall set back at least 100 feet.